

PLANNING COMMISSION MINUTES

December 6, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:03 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Sharon Dunham, Chuck Heckman, Eric Johansen, Brian Lynott and Vlad Voytilla.

Development Services Manager Irish Bunnell, Project Engineer Jim Duggan, Senior Planner John Osterberg, Associate Planner Tyler Ryerson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATIONS:

On question, staff indicated that there were no communications at this time.

NEW BUSINESS:

PUBLIC HEARINGS:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1 **A. CUP 2000-0025 -- TREASURE ISLAND CHINESE RESTAURANT**
2 **CONDITIONAL USE PERMIT**

3 The following land use application has been submitted for a new restaurant at
4 15930 SW Regatta Lane. The development proposal is located on Assessor's
5 Map 1S1-05BA, on Tax Lot 1600. The site is zoned Office Commercial (OC)
6 and is approximately .70 acres.

7
8 Associate Planner Tyler Ryerson stated that the applicant had requested that the
9 Public Hearing be continued to a date certain of January 10, 2001.

10
11 Commissioner Barnard **MOVED** and Commissioner Voytilla **SECONDED** a
12 motion to continue CUP 2000-0005 -- Treasure Island Chinese Restaurant
13 Conditional Use Permit to a date certain of January 10, 2001.

14
15 Motion **CARRIED**, unanimously.

16
17 **B. CUP 2000-0023 -- VOICESTREAM MONOPOLE AT 7675 SW NIMBUS**
18 **AVENUE/TYPE 3 CONDITIONAL USE PERMIT**

19 The following land use application has been submitted to construct a wireless
20 communications monopole and accessory equipment on the northeast corner of
21 the Parkside Mini-Storage property located north of SW Nimbus Avenue and
22 west of Highway 217. The development proposal is located on Washington
23 County Assessor's Map 1S1-22DD on Tax Lots 300, 500, 600, 401 and on
24 Assessor's Map 1S1-22DC on Tax Lots 100, 200, and 300. All parcels are zoned
25 Campus Industrial (CI).

26
27 On question, Mr. Ryerson indicated that no film of the site is available, although
28 color photographs and digital simulations are available.

29
30 Commissioners Heckman and Lynott indicated that they had not visited the site.

31
32 Commissioners Voytilla, Dunham, Barnard and Johansen and Chairman Maks
33 indicated that they had driven by the site and had not had contact with anyone.

34
35 Mr. Ryerson submitted the Staff Report and apologized for the poor copies of the
36 photographs and charts included in last week's packets, adding that he hopes that
37 the color copies distributed this evening would be adequate. He discussed the
38 request for a Conditional Use Permit (CUP) for an approval for a cellular
39 monopole and associated accessory equipment at the northeast corner of the
40 Parkside Mini-Storage Property. The project consists of an approximately 420
41 square foot area, and 80-foot monopole, with flush-mounted panel antennas
42 covered with a fiberglass shroud, a single parking space, a chain link fence and
43 associated landscaping. He mentioned that staff has received one communication
44 from a resident whose property is located on BelAire Drive, west of the site,
45 approximately 1,000 feet from the actual location of the monopole proposal. He
46 noted that this individual had expressed concern with the protection of Fanno

1 Creek, visibility of the monopole and potentially harmful rays emitted from the
2 towers antennas. He pointed out that this Campus Industrial (CI) site does require
3 a CUP for this use, adding that the site is located among mixed industrial
4 buildings, a mini-storage building and warehouse, and an overhead transmission
5 line railway, right-of-way and Highway 217. Concluding, he recommended
6 approval of the application, under the conditions identified within the Staff
7 Report, and offered to respond to any questions or comments.

8
9 Commissioner Heckman described the application as well presented and
10 straightforward.

11
12 Commissioner Lynott questioned the number of cell towers located within the
13 City of Beaverton at this time.

14
15 Mr. Ryerson advised Commissioner Lynott that he has no idea and that the City
16 of Beaverton does not keep records of this type of information, pointing out that
17 areas annexing into the City would also change this total.

18
19 Observing that the nearest residence is 1,000 feet to the west, Commissioner
20 Lynott questioned what types of sounds would be generated during construction.

21
22 Noting that there should be virtually no sound once the pole has been installed,
23 Mr. Ryerson suggested that the applicant should have more information.

24
25 Commissioner Lynott questioned whether other cell companies could piggyback
26 off of this cell site also.

27
28 Mr. Ryerson advised Commissioner Lynott that this particular monopole has been
29 designed for co-location purposes.

30
31 Commissioner Voytilla referred to Condition of Approval No. 3, specifically how
32 this could be monitored and enforced

33
34 Observing that this is a good question, Mr. Ryerson suggested the possibility of
35 including something in an ordinance for this particular purpose and expressed his
36 opinion that there should be an ordinance specifically relating to these
37 communication towers.

38
39 Commissioner Voytilla suggested including a stipulation providing a mechanism
40 for action by the City of Beaverton six months from the date that the facility
41 ceases to be in operation.

42
43 Mr. Ryerson advised Commissioner Voytilla that he is not aware of any such
44 mechanism.

45

1 Commissioner Voytilla expressed concern with the possibility of a non-operating
2 tower, suggesting that the applicant be required to submit a bond providing for
3 any necessary removal.

4
5 Mr. Ryerson advised Commissioner Voytilla that the City Attorney might have
6 comments regarding this issue.

7
8 Commissioner Voytilla requested clarification of Condition of Approval No. 2.

9
10 Mr. Ryerson informed Commissioner Voytilla that this condition concerns the co-
11 location of the antenna and accessory buildings, assuring him that the use would
12 be strictly limited to cell communications and that advertising would not be a
13 permitted use. On question, he agreed that it might be necessary to be specific
14 regarding this issue.

15
16 Chairman Maks questioned the status of the cell tower ordinance he had worked
17 on several years ago with the assistance of Commissioner Heckman.

18
19 Assuring Chairman Maks that this issue has not been forgotten, Development
20 Services Manager Irish Bunnell informed him that this issue is currently waiting
21 in line behind other code revisions.

22
23 Commissioner Dunham referred to the letter submitted by Susan Matson
24 expressing concern with Fanno Creek, visibility issues and potentially harmful
25 waves that might be emitted by the tower.

26
27 Mr. Ryerson advised Commissioner Dunham of the applicant's intent to address
28 these issues.

29
30 On question, Commissioner Barnard indicated that he had no questions at this
31 time.

32
33 Commissioner Johansen questioned why height is not included in the provisions
34 for a CUP.

35
36 Mr. Ryerson informed Commissioner Johansen that the Development Code
37 processes height as an administrative CUP.

38
39 Chairman Maks pointed out that this might change with the new code.

40
41 On question, Mr. Ryerson advised Chairman Maks that the proposal is not located
42 within a flood plain, adding that staff has received no applications for cell towers
43 requiring a Conditional Use Permit since 1997.

44

1 Chairman Maks mentioned that this proposed tower is particularly unattractive,
2 questioning whether there had been any discussion concerning the type of pole
3 that would be installed.

4
5 Mr. Ryerson advised Chairman Maks that the proposed height of the pole has
6 been reduced to 80-feet. He added that the applicant has also proposed a more
7 recent type of technology in which the antennas are actually mounted closer to the
8 pole itself and that the proposal also includes a fiberglass shroud.

9
10 Chairman Maks observed that the proximity is close to the existing tower on the
11 Shurgard site.

12
13 Mr. Ryerson commented that the Shurgard site consists of a flagpole-type of
14 stealth technology.

15
16 Chairman Maks expressed his opinion that the Shurgard pole is much more
17 attractive than this particular proposal.

18
19 Mr. Ryerson advised Chairman Maks that although it had been considered, the
20 applicant had determined that they could not use the flagpole-type for their
21 proposal. He pointed out that the applicant had also failed in their attempt to
22 locate on a site on which they could co-locate with a similar operation.

23
24 Commissioner Heckman questioned whether the property owner assumes
25 responsibility for removal of any tower within six months after the cessation of
26 any activity.

27
28 Mr. Ryerson observed that the property owner would still be responsible for
29 activities that occur through a lease on their property.

30
31 Commissioner Voytilla requested clarification of whether it is the City's
32 procedure to follow up with a property owner on this issue.

33
34 Mr. Ryerson advised Commissioner Voytilla that he is not certain of the City's
35 procedure in such a case.

36
37 Chairman Maks expressed his opinion that this should be addressed through Code
38 Enforcement.

39
40 **APPLICANT:**

41
42 **LARRY SOTOMAYOR**, representing *Communications Services, Inc.*, on
43 behalf of *Voicestream Wireless*, commented that the establishment of these
44 activities is actually consumer-driven. Once an existing facility reaches its
45 maximum capacity and can no longer handle additional calls, and because the
46 Federal Communications Commission (FCC) will not allow the transmitting

1 power to exceed certain levels, there are only several options available. One
2 alternative is to locate another facility with which to co-locate, although this is not
3 feasible if none are available within the area. The applicant had considered their
4 alternatives and determined that their best option was the construction of a new
5 monopole. Observing that any potential applicant is also at the mercy of the
6 landlords and the jurisdiction in which they are attempting to locate, he noted that
7 the applicant has been fortunate to locate a landlord who is amenable to signing a
8 lease to locate such an activity on their property. He mentioned that they had
9 made diligent efforts since their original pre-application conference with Senior
10 Planner Bill Roth. He noted that the applicant had modified their original
11 proposal for a 100-foot monopole with a top hat, which was very unattractive, to
12 80-feet, including davit arms and a stealth technology with a fiberglass shroud.
13 He described the various pieces of equipment, such as the antennas and
14 amplifiers, which have to be separated physically, either horizontally or vertically,
15 adding that this can be achieved very easily horizontally with the davit arm
16 system. A stealth pole, such as a flagpole, requires that this equipment be
17 separated vertically, which defeats the purpose of co-location because fewer
18 carriers can be stacked.

19
20 Commissioner Heckman requested that Mr. Sotomayor address Commissioner
21 Dunham's concern regarding power, specifically how many watts or microwatts
22 would be involved.

23
24 Mr. Sotomayor provided a visual aid of a graph indicating the typical exposure
25 comparisons and compared the radiation exposure to that of a baby monitor. He
26 noted that the radiation exposure is within one thousandth of the limit -- in reality
27 much lower than one decimal point, adding that there would typically be two to
28 three zeros in front of that number. He emphasized that this level is well within
29 federal standards and is not considered detrimental or harmful at this point.

30
31 Observing that he was aware of this, Commissioner Heckman pointed out that he
32 merely wanted the public to understand this information and expressed his
33 appreciation of Mr. Sotomayor's comparison with a baby monitor. He questioned
34 the transmission range from the facility.

35
36 Mr. Sotomayor noted that depending upon the existing topography, the levels
37 would not travel through concrete, wood or vegetative matter, or through hills or
38 around corners, although the signals could, however, bounce off water, for quite
39 some distance. He pointed out that the results is a great number of facilities,
40 because they do not broadcast beyond a relatively short distance, adding that
41 technology will not allow one huge facility to serve an entire area.

42
43 Commissioner Heckman expressed his opinion that some of the older towers are
44 particularly unattractive, requesting further clarification of the proposed design.
45

1 Mr. Sotomayor advised Commissioner Heckman that the pictures that had been
2 submitted tonight are not actually what he is proposing at this time.

3
4 Mr. Ryerson referred to the plans in page A-2 of the submitted plans.

5
6 Mr. Sotomayor observed that in reality, on top of the 80-foot pole, there would be
7 an approximately four-foot wide shroud about eight feet tall, adding that it hugs
8 the pole very tightly.

9
10 Commissioner Dunham referred to the rendering of the appearance of the facility
11 with the proposed stealth design, including the reduction from 100-feet to 80-feet,
12 requesting clarification of why co-location becomes a problem.

13
14 Mr. Sotomayor advised Commissioner Dunham that typically a monopole has a
15 port, which he referred to as simply a cover over a hole, adding that these ports
16 are generally approximately ten feet apart vertically as they come down. He
17 emphasized that these ports are designed specifically for the purpose of co-
18 location. He stated that only so much equipment could be located on one
19 monopole, adding that this facility can only accommodate so much weight or
20 hardware although it could be designed to accommodate more hardware. He
21 explained that Voicestream makes every possible effort to provide for co-location,
22 adding that there is not always adequate cooperation between carriers.

23
24 Commissioner Dunham referred to Condition of Approval No. 2, specifically the
25 term "technically reasonable", observing that technology would determine the
26 feasibility of any co-location. She questioned whether this involves what is
27 generally referred to as a "crow's nest".

28
29 Mr. Sotomayor advised Commissioner Dunham that this is called a davit arm,
30 describing the crow's nest or the top hat as a kind of a triangular structure that
31 resembles the arms that are on a typical light standard.

32
33 Commissioner Johansen expressed his appreciation of the information regarding
34 co-location, and requested clarification of whether there is a sort of a tradeoff
35 between the stealthness and the number of poles.

36
37 Mr. Sotomayor agreed that this does involve a tradeoff, observing that typically,
38 the closer the equipment, the less equipment can be installed, because it involves
39 a vertical separation rather than a horizontal separation. He pointed out that the
40 City of Beaverton prefers a larger number of shorter poles over a fewer number of
41 taller poles.

42
43 Referring to the issue of emergency services, Commissioner Voytilla questioned
44 whether a greater number of shorter poles provide better coverage and capability.
45

1 Observing that the potential is available, Mr. Sotomayor emphasized that this is
2 dependent upon the hardware and transmitters involved. He reminded
3 Commissioner Voytilla of the limited range, between 50 and 100 feet, pointing
4 out that many technical factors are involved.

5
6 Chairman Maks expressed his appreciation to the applicant for their cooperation
7 with staff regarding the design, adding that he is pleased with the flag pole,
8 particularly since it is located near residential areas. He observed that he had
9 been informed that a pole and antenna could actually handle three times the
10 capacity with digital signals as opposed to analog.

11
12 Observing that the capacity is probably larger, Mr. Sotomayor emphasized that he
13 does not feel qualified to quantify this statement. He expressed his appreciation
14 of staff for their efforts at working with the applicant.

15
16 **PUBLIC TESTIMONY:**

17
18 On question, no member of the public appeared to testify at this time.

19
20 On question, staff had no comments at this time.

21
22 Assistant City Attorney Naemura responded to Commissioner Voytilla's inquiry
23 regarding issues of non-utilized towers, observing that while he is in agreement
24 with the general comments amenable to Code Enforcement, he is uncertain what
25 might occur with a change of ownership.

26
27 The public portion of the Public Hearing was closed.

28
29 Commissioner Heckman expressed his opinion that a recommendation should be
30 made to the Board of Design Review to make certain that the finish on the tower
31 is compatible with the adjacent neighborhood, adding that he supports the
32 application.

33
34 Expressing his support of the application, Chairman Maks noted that he
35 appreciates the efforts of both the applicant and staff.

36
37 Commissioner Dunham expressed her support of the application and
38 Commissioner Heckman's suggestion regarding the finish on the tower.

39
40 Commissioner Lynott expressed his support of the application.

41
42 Commissioner Voytilla expressed his support of the application and
43 Commissioner Heckman's suggestion regarding the finish on the tower.

44
45 Commissioner Barnard expressed his support of the application.

46

1 Commissioner Johansen expressed his support of the application.

2
3 Commissioner Barnard **MOVED** and Commissioner Heckman **SECONDED** a
4 motion to approve CUP 2000-0023 -- Voicestream Monopole at 7675 SW
5 Nimbus Avenue Conditional Use Permit, based upon the testimony, reports and
6 exhibits presented during the Public Hearing on the matter and upon the
7 background facts, findings and conclusions found in the Staff Report dated
8 November 29, 2000, including Conditions of Approval Nos. 1 through 6, a
9 recommendation that the Board of Design Review make certain that the finish on
10 the tower is compatible with the adjacent neighborhood, based upon this Public
11 Hearing.

12
13 Motion **CARRIED**, unanimously.

14
15 Chairman Maks requested a show of hands indicating how many individuals wish
16 to testify on the Public Hearing for Connor Commons. Observing that it might be
17 necessary to continue this item due to the anticipated length of the Public Hearing
18 regarding the Sexton Crest Development, he questioned how many of these
19 individuals would be available to testify December 20, 2000 and January 3, 2001.

20
21 7:48 p.m. to 7:52 p.m. – break.

22
23 7:48 p.m.-- Mr. Ryerson left.

24
25 Following a brief discussion and an assurance that no testimony would be heard at
26 this time, it was determined that the Public Hearing regarding Connor Commons
27 should be continued to December 20, 2000.

28
29 **C. CONNOR COMMONS COMPREHENSIVE PLAN AMENDMENT AND**
30 **REZONE**

31 The following land use applications have been submitted for a Comprehensive
32 Plan Amendment and Zone Change of two parcels located north of SW Walker
33 Road and east of SW 150th Avenue at 430 and 450 SW 150th Avenue. The
34 applicant requests a Comprehensive Plan Amendment from its current
35 Comprehensive Plan designation of Urban Standard Residential to Urban Medium
36 Residential and a zone change of these parcels from its current zoning of Urban
37 Standard Density (R-7) to Urban Medium Density (R-2). The development
38 proposal is located on Washington County Assessor's Map 1S105AD on Tax Lots
39 5905 and 6000. The two parcels are approximately 3.6 acres in size.

40
41 **1. CPA 2000-0008: COMPREHENSIVE PLAN AMENDMENT**

42 Request for approval to modify the existing Comprehensive Plan designation
43 from Urban Standard Residential to Urban Medium Residential.
44

1 **2. RZ 2000-0010: ZONE CHANGE**

2 Request for approval to modify the existing zoning designation from Urban
3 Standard Density (R-7) to Urban Medium Density (R-2).

4
5 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
6 motion that CPA 2000-0008/RZ 2000-0010 -- Connor Commons Comprehensive
7 Plan Amendment and Rezone be continued to a date certain of December 20,
8 2000.

9
10 Motion **CARRIED**, unanimously.

11
12 **D. SEXTON CREST DEVELOPMENT**

13 The following land use applications have been submitted to construct a single-
14 family and multi-family development located at the northwest corner of SW
15 Maverick Terrace and SW Murray Boulevard. The development proposal is
16 located on Washington County Assessor's Map 1S1-29AD on Tax Lots 200 and
17 301. All parcels are zoned Urban Standard Density (R-5) and are approximately
18 20 acres in size.

19
20 **1. CUP 2000-0028: SEXTON CREST DEVELOPMENT CONDITIONAL**
21 **USE PERMIT (PUD)**

22 The applicant requests approval of a Conditional Use Permit (CUP) for the
23 Sexton Crest Planned Unit Development (PUD). The CUP will review the
24 development of single-family homes and multi-family units as one planned
25 development. Additionally the applicant is requesting a condition to be
26 established for the multi-family development allowing additional parking
27 beyond the maximum number allowed and modifications to various site
28 development requirements.

29
30 **2. TPP2000-0002: SEXTON CREST TREE PRESERVATION PLAN**

31 The applicant requests a Tree Preservation Plan to preserve and remove trees
32 located along the western portion of the project area around Sexton Peak. The
33 Tree Preservation Plan is proposed with this project to evaluate the
34 preservation and removal of significant trees in this area as a part of the
35 proposed residential development.

36
37 Observing that he had worked with a business entity who had a business
38 relationship with the property owner for this application, Commissioner Voytilla
39 assured those present that he has no such relationship or financial interest in this
40 application that could affect his decision.

41
42 Commissioner Heckman mentioned that he had been involved in a prior
43 application submitted by this applicant, specifically CUP 7-89.

44
45 Commissioner Dunham commented that she had been involved in previous
46 applications submitted by the applicant, specifically BDR 96-033 and TPP 96-

1 008. Observing that she had received a telephone call from Todd Lue and that in
2 anticipation of this Public Hearing, she had declined his invitation to attend that
3 meeting and that of her NAC, both of which pertained to this issue.

4

5 On question, Senior Planner John Osterberg indicated that no film of the site is
6 available.

7

8 Commissioner Heckman indicated that although he did not visit, he drives by the
9 site often.

10

11 Commissioner Lynott stated that he had walked the site several times.

12

13 Commissioner Voytilla observed that he is familiar with site and drove by on
14 Sunday.

15

16 Commissioner Dunham commented that she is very familiar with the site.

17

18 Commissioner Barnard mentioned that he is very familiar with the site.

19

20 Commissioner Johansen indicated that he is very familiar with the site from
21 previous applications.

22

23 Observing that he is familiar with the site from previous applications, Chairman
24 Maks mentioned that he had visited and walked on the level portions of the site

25

26 Mr. Osterberg submitted the Staff Reports and described the Supplemental
27 Information Received by the City of Beaverton since November 29, 2000, when
28 the Staff Report was published, including: 1) communication from Mike Miller,
29 representing MGH Associates, including an attached communication from
30 Tualatin Valley Fire and Rescue; 2) a communication from Mark John Holady,
31 dated November 30, 2000; 3) communication from Susan Cook, dated November
32 27, 2000; and 4) a document entitled "Agreement between Neighbors and
33 Polygon Northwest", regarding the Conditions of Approval for the Sexton Crest
34 Conditional Use Permit.

35

36 Mr. Osterberg briefly summarized the Staff Reports and recommendations for
37 approval and discussed the Tree Preservation Plan for Sexton Crest Development.
38 Observing that the significant grove of trees is generally located in the southwest
39 corner of the site, with some trees located further north, somewhat along the west
40 property line. Noting that these significant trees are subject to this application, he
41 mentioned that the applicant proposes the preservation of all significant trees,
42 although staff has identified two specific trees that have a higher risk of damage
43 and not surviving the construction. He mentioned that staff has prepared findings
44 providing for the necessary removal of these trees, adding that they have
45 recommended six Conditions of Approval. Concluding, he recommended
46 approval of the Tree Preservation, with conditions identified in the Staff Report.

1
2 Mr. Osterberg discussed the application for a Conditional Use Permit for a
3 Planned Unit Development and described the three major site elements; including:
4 1) an attached residential development near Murray Boulevard; 2) a single-family
5 detached residential development in the northwestern portion of the site; and 3) a
6 large open space and potential future public park in the southwest portion of the
7 site. He mentioned that staff has seriously considered the geo-technical and geo-
8 environmental issues, which they have discussed with the Sexton Mountain
9 Action Committee (SMAC) and Polygon Northwest. He discussed the proposed
10 Conditions of Approval and changes initiated by both SMAC and Polygon
11 Northwest. Concluding, he recommended approval of the Conditional Use Permit
12 with conditions, and offered to respond to any questions or comments.

13
14 Commissioner Johansen referred to page 36 of the CUP Staff Report, requesting
15 that Section 6.2.1 b), Facts and Findings, be revised to reflect that the PUD does
16 not necessitate that Murray Boulevard be redesigned or reconstructed.

17
18 Mr. Osterberg expressed appreciation to Commissioner Johansen for calling
19 attention to this error.

20
21 Mr. Johansen requested clarification of revisions to Condition of Approval No. 3
22 for the Conditional Use Permit.

23
24 Mr. Bunnell believes the word ensure is an error, adding that it is not really the
25 responsibility of the City Engineer to ensure that the site preserves the public
26 health and safety. He clarified that the City Engineer is responsible to make
27 certain that all of the codes have been met and that the plans are appropriate and
28 adequate for the project, emphasizing that efforts of the staff would assure that the
29 public health and safety is furthered. He explained that the applicant would be
30 responsible for the payment to any third party retained by the City Engineer in the
31 future for an independent analysis of the situation and emphasized that this does
32 involve the authority of the City Engineer.

33
34 Commissioner Johansen referred to Condition of Approval No. 4 of the
35 Conditional Use Permit, specifically the sequence of events for approval of this
36 application.

37
38 Mr. Osterberg advised Commissioner Johansen that the approval is contingent
39 upon the construction of the Maverick Terrace extension and placement of the
40 traffic signal at the intersection, adding that this condition, like any CUP land use
41 approval, is potentially transferable and might not necessarily be done by this
42 particular applicant.

43
44 On question, Mr. Osterberg advised Chairman Maks that the intersection is not on
45 this particular applicant's property.
46

1 Commissioner Dunham observed that the signal, the road extension and the right
2 turn lane on Murray Boulevard are all questionable factors.

3
4 Chairman Maks questioned how this particular applicant could be conditioned on
5 the actions of another property owner.

6
7 Mr. Osterberg noted that the Planning Commission might want to rely on the
8 applicant's traffic analysis.

9
10 Chairman Maks emphasized that the applicant does not own the land to put this
11 street on, adding that if other application disappears, it would be necessary to
12 somehow allow this applicant access to their property.

13
14 Mr. Osterberg observed that the Planning Commission is merely reviewing the
15 proposal that was presented by the applicant.

16
17 Chairman Maks agreed with Mr. Osterberg, noting that this would become the
18 problem of the applicant if he is unable to accomplish this goal.

19
20 Mr. Naemura commented that this is an evidentiary issue, adding that it is
21 necessary to determine the facts and the position of the applicant and that if the
22 assumptions are not accurate, the applicant would have to return with a different
23 proposal.

24
25 On question, Commissioners Johansen and Dunham indicated that they had no
26 further questions at this time.

27
28 Commissioner Barnard indicated that he would like to address the listing of
29 Polygon Northwest's and neighborhood suggested revisions to staff
30 recommendations and conditions.

31
32 Chairman Maks requested that Commissioner Barnard allow the applicant to
33 address these recommendations, adding that this would allow staff the opportunity
34 to respond to these recommendations.

35
36 Commissioner Heckman referred to pages 50 and 51 of the Conditional Use
37 Permit Staff Report, adding that Condition of Approval No. 2 appears to be taken
38 directly from the geo-technical report. He suggested that throughout this section,
39 the word "could" should be changed to "may", and the word "should" should be
40 changed to "shall".

41
42 Mr. Osterberg concurred with Commissioner Heckman's recommendations.

43
44 Commissioner Heckman referred to page 7 of the Conditional Use Permit Staff
45 Report, specifically previously approved CUP 7-89, and was informed by Mr.
46 Osterberg that this particular application is still effective.

1
2 Commissioner Heckman questioned whether it would be necessary to reference
3 that part of CUP 7-89 if CUP 2000-0028 is approved.
4

5 Mr. Osterberg advised Commissioner Heckman that staff feels that it is not
6 specifically necessary to make this official statement.
7

8 Commissioner Heckman referred to page 16 of the Conditional Use Permit Staff
9 Report, specifically dedication of Tracts "E" and "F" to the City of Beaverton, in
10 the form of retention ponds, and questioned whether these ponds would be fenced.
11

12 Mr. Osterberg advised Commissioner Heckman that fencing not always required
13 for retention ponds.
14

15 Commissioner Heckman questioned the proposed depth of these detention ponds.
16

17 Mr. Osterberg informed Commissioner Heckman that he does not know the
18 proposed depth of these ponds, adding that copies should have been received of
19 the concept landscape plans with this information.
20

21 Commissioner Heckman referred to page 14 of the Conditional Use Permit Staff
22 Report, specifically item no. 3, which states that the planned unit development is
23 financially feasible, based on a market study and other evidence of financial
24 feasibility and requested clarification of this financial feasibility.
25

26 Mr. Osterberg advised Commissioner Heckman that this is included within the
27 scope of the ordinance, suggesting that the applicant be requested to provide the
28 details regarding the market study.
29

30 Commissioner Heckman observed that the Planning Commission used to require
31 the applicant to provide a commitment from their financial agent to make certain
32 that a project would be completed.
33

34 Mr. Osterberg agreed that this type of commitment has not been included within
35 the applicant's market analysis.
36

37 Commissioner Heckman emphasized that the Staff Report refers to a market study
38 and other evidence of financial feasibility. He referred to page 21 of the
39 Conditional Use Permit Staff Report, specifically the maximum building height of
40 36.5 feet for the multi-family portion of the development.
41

42 Mr. Osterberg observed that while the applicant could provide any details that
43 Commissioner Heckman might find is necessary, their submittal indicates that
44 they would like to provide a certain roof pitch that would appear more residential
45 in character.
46

1 Commissioner Heckman referred to page 21 of the Conditional Use Permit Staff
2 Report, specifically the Facts and Findings, noting that the third line indicates that
3 the lots are separated by 20 feet of unused Satterberg Road right-of-way. He
4 questioned the proposed utilization of this road in the foreseeable future.

5

6 Mr. Osterberg observed that there is currently no plan for the utilization of
7 Satterberg Road, although it is not intended that it be used as a street. He stated
8 that there was always a potential of utilizing this street for a Capitol
9 Improvements Program Project, noting that a major water line is located beneath
10 Satterberg Road and that the easement takes up all of that width. He mentioned
11 that it is unlikely that the City of Beaverton would install a large amount of
12 hardscape over that easement, although a portion of it could be used for
13 landscaping purposes by the applicant. On question, he advised Commissioner
14 Heckman that the City owns this right-of-way.

15

16 Commissioner Heckman questioned whether a street vacation would be necessary
17 to utilize this right-of-way in the future.

18

19 Mr. Osterberg informed Commissioner Heckman that a street vacation would be
20 necessary to assure free title of this right-of-way and have it included with any
21 property.

22

23 Commissioner Heckman referred to the last paragraph of page 20 of the
24 Conditional Use Permit Staff Report, questioning whether the berm is to be
25 located on the individual lots or within common areas. He mentioned that
26 Sequoia trees require pruning twice a year in order to be kept small.

27

28 Mr. Osterberg advised Commissioner Heckman that the applicant might not want
29 to keep the trees small, adding that they had chosen the Sequoia trees to provide a
30 substantial amount of screening and buffering. He noted that the majority of this
31 rather minor berm would be located on the Sexton Crest site, adding that a small
32 portion of the slope of this berm would be located on the Satterberg Road right-
33 of-way.

34

35 Commissioner Lynott requested that Mr. Osterberg indicate the location of this
36 berm on the map.

37

38 Mr. Osterberg indicated the proposed berm location along the northern edge of
39 the single-family portion of Sexton Crest Development, observing that the circles
40 represent the double staggered row of Sequoia Trees.

41

42 Commissioner Heckman pointed out that Sequoia Trees could top out very tall.
43 He referred to page 25 of the Conditional Use Permit Staff Report, specifically a
44 28-foot roadway with parking proposed on one side, questioning whether this is
45 typical.

46

1 Mr. Osterberg advised Commissioner Heckman that while this is not the City
2 standard, this particular section of the Staff Report describes how the Facilities
3 Review Committee, in coordination with the Planning Director, have approved a
4 street design modification. He noted that the applicant had requested parking on
5 only one side of the street.

6
7 Commissioner Heckman referred to page 40 of the Conditional Use Permit Staff
8 Report, requesting clarification of the comment that placement of a PUD, with
9 clustered multi-family and single family residential development, potentially
10 provides greater use of non-automobile travel modes.

11
12 Mr. Osterberg advised Commissioner Heckman that he should have included the
13 phrase "placement of the PUD at this location", adding that the preceding
14 paragraph describes the PUD as appropriate in relation to this particular location,
15 being adjacent to Murray Boulevard. He mentioned that this location is also in
16 close proximity to transit and commercial activity.

17
18 Chairman Maks expressed his appreciation to the Planning Commissioners for
19 being well prepared for this Public Hearing and questioned whether the multi-
20 family development is dispersed throughout the site.

21
22 Mr. Osterberg advised Chairman Maks that the applicant could address this issue.

23
24 Chairman Maks referred to page 22 of the Conditional Use Permit Staff Report
25 and page 20 of 43 of the applicant's narrative, regarding parking. He discussed
26 Condition of Approval No. 1, providing for a minimum of 186 spaces and a
27 maximum of 228 spaces, expressing his opinion that the minimum 186 spaces
28 would be inadequate and that the 228 spaces should be the very bare minimum,
29 adding that he would approve of 270 spaces.

30
31 Mr. Osterberg advised Chairman Maks that the Planning Commission could
32 increase the number of parking spaces and establish their own standards,
33 expressing his opinion that 228 spaces would be appropriate.

34
35 Chairman Maks referred to page 50 of the Conditional Use Permit Staff Report,
36 specifically Condition No. 2.4 of the Conditions of Approval, emphasizing that
37 future homeowners should be provided the information to understand that the
38 construction methods (the sheeting and vapor barrier) are there for specific
39 reasons beyond covering up moisture.

40
41 Mr. Osterberg expressed his opinion that while there is no foolproof method of
42 communicating this information to future homeowners, these Conditions of
43 Approval would be recorded with Washington County and would appear within
44 the deed records.

45

1 Chairman Maks referred to Condition of Approval No. 4, regarding the
2 intersection and the operation of the traffic signal, adding that it does not mention
3 concerns regarding the right hand turn lane.
4

5 Mr. Osterberg observed that the issue of the right hand turn lane could be
6 included by the Commission, adding that he had not included it because it is his
7 belief that the right hand turn lane is considered necessary because it was
8 generated by the anticipated Haggen Store traffic.
9

10 Chairman Maks referred to the Neighborhood Notes submitted with the
11 applicant's presentation, observing that the applicant had been amenable to
12 possibly leaving the road closed until the houses within the development started
13 selling.
14

15 Mr. Osterberg questioned whether Chairman Maks is describing closure and no
16 access to 148th Avenue during construction.
17

18 Chairman Maks observed that the applicant had agreed to route the majority of
19 the construction vehicles through Maverick Terrace, adding that the barricade is
20 to remain at 148th Avenue until the site development is complete and the
21 subdivision plat recorded. He noted that under normal circumstances, once the
22 plat is recorded the street becomes a public street available for public use, adding
23 that the applicant has indicated that they are not opposed to the barricade
24 remaining until the homes begin to become occupied.
25

26 Expressing his opinion that this pertains to the period of construction, Mr.
27 Osterberg mentioned that it is not unusual to limit construction traffic.
28

29 Chairman Maks advised Mr. Osterberg that he is not talking about construction
30 traffic, emphasizing that he is talking about barricading 148th Avenue after the
31 construction of the street while the homes are under construction.
32

33 Mr. Osterberg noted that this closure is possible, adding that it is not necessary to
34 open up the street and that construction vehicles could be directed to drive
35 through there.
36

37 Observing that he intends to discuss this with the applicant, Chairman Maks
38 referred to the Tree Preservation Plan, expressing his surprise that Commissioner
39 Heckman had not brought up the issue of construction storage.
40

41 Commissioner Heckman advised Chairman Maks of his intent to address this
42 issue.
43

44 Chairman Maks referred to the Tree Preservation Plan (TPP), specifically whether
45 Conditions of Approval Nos. 3 and 4 should be tied together.
46

1 Mr. Osterberg advised Chairman Maks that these conditions refer to the planting
2 of trees but are not overtly linked together.

3
4 Chairman Maks expressed his opinion that the TPP Staff Report was very well
5 done, commenting that while he is aware that the school situation is not relevant
6 to this issue, he would like to know what the Comprehensive Plan map indicates
7 for this property.

8
9 Mr. Osterberg informed Chairman Maks that the property is designated Single
10 Family Residential (R-5).

11
12 Chairman Maks referred to page 35 of the TPP Staff Report, regarding the school
13 district plans for facilities under zoning shown on the Comprehensive Plan,
14 emphasizing that the school district plans their based upon the zoning indicated on
15 this plan.

16
17 Mr. Osterberg disagreed, stating that the Beaverton School District planned for
18 the number of units specifically approved within this Planned Unit Development.

19
20 Chairman Maks commented that with the 908 process, what had been planned for
21 were the densities according to the Comprehensive Plan Map.

22
23 Commissioner Voytilla referred to the TPP Conditions of Approval Nos. 3 and 4,
24 questioning whether there is a certain time of year to which the planting of bare
25 root deciduous trees should be limited.

26
27 Mr. Osterberg observed that the City's landscape crew would likely indicate that
28 bare root trees should not be planted a certain point in the year without great care
29 and attention until they are firmly established or until the November rains arrive.

30
31 Commissioner Voytilla noted that the survival of these trees during summer
32 months is pretty minimal. He questioned whether anything remains outstanding
33 in the previous case file.

34
35 Mr. Osterberg advised Commissioner Voytilla that he had reviewed the case file
36 and determined that all public infrastructure had been adequately addressed.

37
38 Commissioner Voytilla referred to the number of proposed units, specifically how
39 this fits relative to the overall density calculations.

40
41 Mr. Osterberg advised Commissioner Voytilla that the proposed number of units
42 meets the minimum density but is less than the maximum standard calculation.

43
44 Commissioner Voytilla referred to Condition of Approval No. 2.4 from the
45 Conditional Use Permit Staff Report, suggesting the attachment of the Engineer's
46 Report recorded with the title documents and posting of a sign listing the

1 conditions. He also expressed concern with imposing conditions that might be
2 too specific.

3
4 Mr. Osterberg reminded Commissioner Voytilla that the applicant, who is a
5 homebuilder, has recommended these particular conditions.

6
7 Commissioner Lynott requested clarification of which two trees would be
8 removed.

9
10 Mr. Osterberg indicated the location on the map of the two trees that staff has
11 identified as having a high risk of damage that would necessitate removal,
12 observing that that applicant maintains that they are capable of preserving all of
13 these significant trees.

14
15 Commissioner Heckman referred to page 33 of the TPP Staff Report, observing
16 that there is standard language providing for two street trees for each lot and two
17 trees to each residential owner in the development after construction. He
18 questioned the possibility of one or more of the residential owners not wanting
19 these trees on their property.

20
21 Mr. Osterberg advised Commissioner Heckman that the City would plant the trees
22 in the right of way, or, in lieu of that, in a street tree easement, up against the
23 sidewalk.

24
25 Commissioner Heckman referred to the TPP Staff Report, specifically the
26 Conditions of Approval, observing that the phrase indicating that the area within
27 the chain link fence shall not be used for storage or any other purposes.

28
29 Mr. Osterberg advised Commissioner Heckman that this phrase is supposed to be
30 there, adding that this would be included in Condition of Approval No. 5.

31
32 Commissioner Heckman referred to page 39 of the Conditional Use Permit Staff
33 Report, regarding the right turn lane and bus stop and questioned whether the bus
34 stop would be located within that right turn lane at Murray Boulevard and
35 Maverick Terrace.

36
37 Mr. Osterberg observed that the bus stop would be located on the south side of
38 Maverick Terrace, at the transit plaza, as proposed by the applicant for Hagen
39 Store.

40
41 Commissioner Johansen referred to page 52 of the Conditional Use Permit Staff
42 Report, specifically Condition of Approval No. 4, regarding the construction of
43 Maverick Terrace and traffic signal, suggesting the following amendment:
44 "Construction of Maverick Terrace and the operation of the traffic signal shall be
45 complete prior to the issue of ~~occupancy~~ **site development** permits for a
46 residential structure in Sexton Crest.

1 9:10 p.m. – Project Engineer Jim Duggan arrived.

2
3 Mr. Osterberg noted that if Condition No. 4 retains "occupancy permits", it could
4 allow both the Sexton Crest and Haggen developments to be under construction at
5 somewhat the same time.

6
7 Commissioner Heckman referred to page 8 of the Conditional Use Permit Staff
8 Report, specifically when the new Neighborhood Service (NS) zoning becomes
9 effective.

10
11 Mr. Osterberg observed that the NS zoning is an error, pointing out that this
12 should be Community Service (CS), rather than NS.

13
14 9:12 p.m. to 9:23 p.m. -- break.

15
16 **APPLICANT:**

17
18 **FRED GAST**, representing Polygon Northwest, addressed concerns relating to
19 Maverick Terrace, specifically agreements with adjacent property owners that
20 would allow for the construction of the necessary road. He noted that in 1989,
21 one of the Conditions of Approval had provided for no direct access to Murray
22 Boulevard. He described the proactive team approach of Polygon Northwest,
23 emphasizing the efforts to include staff, neighbors and anyone else who chooses
24 to become active in their process, and mentioned that the neighborhood meetings
25 have provided a great deal of information regarding their concerns.

26
27 Mr. Gast discussed the history of the site and provided an illustration of the
28 exterior design criteria for Sexton Crest, observing that the applicant had
29 reviewed the entire region of a development site, including adjacent developments
30 and features. He described what he referred to as a transitional density approach
31 to the development and efforts at sensitivity to the adjacent neighbors and existing
32 open spaces. He discussed the development concept and the internal criteria,
33 specifically the limits of the quarry, the steep slopes and a significant grove of
34 trees. He provided an illustration of the development potential for Sexton Crest,
35 describing the single-family community and the creation of an established
36 community connection, as well as efforts to eliminate or reduce any potential cut-
37 through traffic. He mentioned that consultation with the Department of State
38 Lands (DSL), the Corps of Engineers and Unified Sewerage Agency (USA) had
39 determined that no permit would be necessary for this property. He discussed a
40 meeting with Tualatin Hills Parks and Recreation Department (THPRD), who had
41 expressed their enthusiasm with this opportunity to tie the parks together,
42 providing an additional amenity for the community.

43
44 **MIKE MILLER**, representing MGH Associates, on behalf of Polygon
45 Northwest, described major objectives relating to this project, including
46 considerations for the neighbors in the community at large. He pointed out that

1 they had received a great deal of assistance and input from both staff from the
2 neighborhood, and provided an illustrative site plan for Sexton Crest, including 49
3 single family units and 114 multi-family units. He explained that the plan does
4 not include the typical loop concept, which often requires a resident to drive
5 through 60 units to reach one. This afforded the opportunity to terrace, providing
6 greater views, with several tiers of uphill units, including three and four units per
7 building. He mentioned that with fewer party walls, the end units actually sell for
8 more. He provided an illustration of the enlargement of the ponds for Sexton
9 Crest, describing efforts at developing a sculptural art form in the creation of
10 these ponds. Concluding, he offered to respond to any questions or comments,
11 adding that the applicant's team of engineers is also available.

12
13 Chairman Maks questioned whether THPRD has accepted the proposed tracts.

14
15 Mr. Gast advised Chairman Maks that while THPRD is very interested, they have
16 not yet accepted the proposed tracts.

17
18 Chairman Maks observed that he is leery of the potential maintenance and
19 responsibility for the proposed tracts in this significant natural area, emphasizing
20 his concern with this responsibility being given to the Homeowner's Association,
21 where the only enforcement mechanism is a civil lawsuit.

22
23 Expressing his agreement with Chairman Maks, Mr. Gast observed that the
24 situation is very similar to what done was done at Beard Court, adding that this
25 significant natural resource was donated to THPRD, rather than to the
26 Homeowner's Association.

27
28 Chairman Maks questioned whether there are any other agencies, such as a Sierra
29 Club or an Audobon Agency, who might accept this responsibility.

30
31 Mr. Gast informed Chairman Maks that many such agencies are available to
32 provide this option.

33
34 Chairman Maks referred to maintenance of the private streets, adding that this had
35 not been included within the CCRs.

36
37 Mr. Gast advised Chairman Maks that all of the streets within the subdivision are
38 public streets and that all of the internal streets are addressed through the
39 Declaration By-Laws of the Condominium Association.

40
41 Chairman Maks requested an example of the scale with regard to the additional
42 height along the Murray Boulevard roadway.

43
44 Mr. Gast indicated that he did not have this information with him, adding that it is
45 difficult to be able to really judge only 1-1/2 feet. Observing that the applicant
46 has built this building in both Beaverton and Tigard with no real issue regarding

1 this particular building height. He noted that this has been addressed mainly on a
2 staff level.

3
4 Chairman Maks referred to the scale level, specifically how it would appear in
5 comparison to nearby apartments.

6
7 Mr. Gast repeated that it is extremely difficult to measure the 1-1/2 feet.

8
9 Chairman Maks requested information regarding the requested reduced setback
10 variances.

11
12 Mr. Miller advised Chairman Maks that the reduced setbacks have only been
13 requested for the single-family residences, indicating the locations on the
14 illustration.

15
16 Mr. Gast described the single-family residences as essentially the same as what
17 had been proposed for Beard Court and the multi-family residences as similar to
18 what had been proposed for Sexton Place. He noted that in response to
19 Commissioner Heckman's concern, the garage door setback has been revised to
20 20 feet, rather than 18 feet.

21
22 Mr. Miller emphasized that this is the same product with the same setbacks as
23 Beard Court.

24
25 Chairman Maks questioned the status of the lighting plan.

26
27 Mr. Gast informed Chairman Maks that the lighting plan would be similar to that
28 of Beard Court, with the 16-foot antique standards.

29
30 Chairman Maks questioned the availability of a traffic consultant and referred to
31 the number of vehicular trips.

32
33 **MATT LORENZ**, representing Kittelson & Associates, advised Chairman Maks
34 that the ITE Manual has been updated, reflecting new standards.

35
36 Chairman Maks referred to Figure 5 and questioned the proposed level of service
37 at the intersection of Brockman and Murray Boulevard.

38
39 Mr. Lorenz informed Chairman Maks that the intersection of Brockman and
40 Murray Boulevard operates at a level of service "D", adding that he does not
41 specifically recall the DC.

42
43 Chairman Maks referred to the a.m. and p.m. peak hours, questioning how many
44 vehicles this would put in the left hand turn lane, with regard to queuing,
45 emphasizing that currently, the queuing actually stacks into Murray Boulevard.
46

1 Mr. Lorenz observed that Figures 6 and 7 illustrate the site generated traffic
2 assignments, adding that the result is approximately one additional vehicle per
3 signal and would not create a great overall increase in traffic.

4
5 Chairman Maks referred to the CC&R's, requesting whether the document he has
6 represents a rough copy of the CC&R's.

7
8 Mr. Gast advised Chairman Maks that this document is a rough copy of the
9 CC&R's.

10
11 Chairman Maks requested that staff pay attention to number three on first page
12 and make certain it does not affect the accessory dwelling ordinance, adding that
13 he appreciates the amount of detail provided by the applicant.

14
15 Commissioner Heckman referred to page 16 of the Staff Report, observing that
16 certain tracts have not been adequately identified.

17
18 Mr. Miller advised Commissioner Heckman that a companion subdivision
19 application is going through the process concurrently.

20
21 Commissioner Heckman informed Mr. Miller that the Planning Commission does
22 not receive this information.

23
24 Mr. Miller indicated the location of the ponds and the tracts on the illustration.

25
26 Commissioner Heckman questioned the proposed maximum depth of the ponds
27 and whether they would be fenced.

28
29 Mr. Miller advised Commissioner Heckman that the proposed maximum pond
30 depth is two feet, adding that the applicant feels that it is more aesthetic not to
31 fence these areas.

32
33 Commissioner Heckman referred to page 43 of the Staff Report, specifically how
34 this would improve the efficient flow of traffic on Murray Boulevard.

35
36 Mr. Lorenz commented that he is not certain that it would actually improve the
37 flow of traffic on Murray Boulevard, adding that the applicant is proposing to
38 install a signal that would obviously incorporate some delays while providing for
39 safe movements.

40
41 Commissioner Heckman referred to the Facts and Findings on page 41,
42 specifically the reason for the operation of service level "F".

43
44 Mr. Lorenz advised Commissioner Heckman that this intersection currently
45 operates at the level of service "F" because there is no traffic signal. He explained
46 that at the intersection of Murray Boulevard and Brockman, the signal would be

1 operated under the jurisdiction of Washington County, who would synchronize
2 the new signal with existing traffic signal network system.

3
4 Commissioner Heckman referred to page 14 of the Staff Report, Facts and
5 Findings, Section 3, specifically the option of requiring a financial commitment.

6
7 Mr. Gast described the background of Polygon Northwest, observing that they
8 originated in the Seattle area, where they construct approximately 700 or 800
9 homes per year, adding that they construct approximately 200 homes annually in
10 the Portland area.

11
12 Commissioner Heckman observed that the projects are not financed out of the
13 pocket of Polygon Northwest.

14
15 Mr. Gast advised Commissioner Heckman that he is correct, although Polygon
16 Northwest also has funds invested in the projects.

17
18 Commissioner Heckman expressed his concern with market and financial
19 feasibility, emphasizing that he wants to be assured that financing is adequate to
20 bring the project to a close.

21
22 Observing that Polygon Northwest is financed basically the same as any similar
23 company, Mr. Gast noted that the interest rates are 18%. Noting that any site
24 experiences some problems, he pointed out that the company has existed for over
25 50 years, was purchased from the original owner over a decade ago and
26 successfully survived and expanded through the last recession.

27
28 Commissioner Heckman noted that his concern with financial feasibility and Mr.
29 Gast's response is on tape and part of the public record.

30
31 Commissioner Lynott referred to the townhouses proposed up against Murray
32 Boulevard, questioning whether there would be trees or an earth berm combined.

33
34 Mr. Gast advised Commissioner Lynott that the east property line is very difficult
35 to address because the property slopes up from the road.

36
37 Mr. Miller observed that the grading plan grades on a one-foot basis, noting that
38 the existing condition is approximately twenty to twenty-five feet above Murray
39 Boulevard. He mentioned that there is a slight berm that they had attempted to
40 build into it, consisting of a berm and screen planting along the entire slope.

41
42 Commissioner Dunham referred to page 41 of the Staff Report, regarding area of
43 influence and traffic. Observing that the level of service "A" is indicated at that
44 intersection, she expressed concern that level of service "D" might be more
45 appropriate at certain times.

46

1 Mr. Lorenz advised Commissioner Dunham that the level of service for signalized
2 traffic intersections is based on the average delay for all vehicles entering a
3 particular intersection. He noted that some of the neighbors have indicated that
4 there have been what he referred to as "cycle failures", which he described as
5 individuals who miss their turn at the green light. He expressed his opinion that
6 this indicates that Washington County's signal timing is not set up appropriately,
7 although this issue is currently being reviewed, or that the signal itself might not
8 be functioning properly.

9

10 Commissioner Dunham commented that the Telluride/148th Avenue access,
11 expressing her opinion that the circuitous route is a great addition -- totally
12 different than in 1996, and would reduce cut-through traffic and reduce speeds.
13 She questioned whether the Haggan Store and Sexton Crest geo-technical analysis
14 had been lumped together.

15

16 Mr. Gast provided a history of the geo-technical issue and the applicant's attempts
17 to resolve these specific concerns, adding that putting families into these homes is
18 a significant issue for Polygon Northwest.

19

20 Commissioner Dunham observed that she would like reassurance that all of the
21 concerns of the neighbors have been addressed and that all documentation is
22 pertinent and has been received.

23

24 Mr. Gast noted that Polygon Northwest had attempted to obtain any
25 documentation regarding the entire quarry area, rather than only the specific
26 property. He mentioned that they had determined the existence of twenty reports
27 regarding this property, four of which were done by other consultants and were
28 not available without permission from the clients, some of whom are no longer in
29 existence. He pointed out that he had attempted to subpoena the reports that he
30 had been unable to obtain, noting that of twenty reports, nine had been prepared
31 by Geo Design and seven by Polygon Northwest, emphasizing that not one of
32 these sixteen reports says not to build on the site.

33

34 Commissioner Dunham described a wonderful videotape she had viewed
35 indicating what the Sexton Mountain Apartments would look like from the west
36 view and questioned whether the proposed fence would be buffered or visible
37 from the west.

38

39 Mr. Gast noted that fencing had not been included in the original proposal, adding
40 that staff had suggested fencing. He mentioned that the proposal provides for
41 trees within the park district property, which would actually enhance the area,
42 commenting that the fence would be located on the applicant's side of the trees
43 and should be mostly obscured from vision.

44

45 Commissioner Dunham expressed her opinion that the proposed increase in
46 parking is a great idea, decreasing the potential for spill out.

1
2 Mr. Gast emphasized that parking is the customer's number one concern, adding
3 that he appreciates Commissioner Dunham's input on this issue.
4

5 Commissioner Dunham observed that she is glad that there would be no perimeter
6 parking.
7

8 Commissioner Barnard questioned why the monitoring on the south side has been
9 eliminated and whether traffic calming and speed humps could be conditioned.
10

11 Mr. Gast referred to the monitoring components on the south, observing that this
12 would only address up to the middle of the quarry. He observed that the intent is
13 to measure off-site migration up to at least one year after development, rather than
14 for eternity and emphasized that the developer has every intention of honoring
15 their commitments to the neighbors. On question, he advised Commissioner
16 Barnard that he supports the proposed amendments.
17

18 Commissioner Johansen discussed the proposed terracing and open space,
19 expressing his opinion that the proposed buffering to the west provides a nice
20 amenity for the project. He observed that this establishes a sort of a precedence of
21 expectations for other developers.
22

23 Mr. Gast commented that he hopes that people like to see Polygon Northwest
24 developing in their neighborhood, adding that they had provided a great deal of
25 buffering and screening at Beard Court.
26

27 Commissioner Johansen noted that while the buffering and screening is a great
28 asset, it is unrealistic for people to expect that they are always going to get this
29 buffering, adding that this could create a great deal of disappointment.
30

31 Commissioner Voytilla referred to the ponds, questioning whether the
32 calculations had indicated that they would accommodate all of potential storm
33 drainage capacity.
34

35 Mr. Gast advised Commissioner Voytilla that these ponds have been designed to
36 exceed City requirements for storm drainage capacity.
37

38 Commissioner Voytilla referred to the composition of the low water/low flow
39 structure, specifically the type of materials that would be utilized in the base in
40 this area, and Mr. Gast advised him that the civil engineer is available to address
41 this issue.
42

43 **DAVE HUMBER**, with MGH Associates, indicated that the low flow channel
44 would be comprised of a rip-rap type of stone, in an effort to set it apart from the
45 landscape plantings surrounding the facility, adding that the final material has not
46 yet been determined.

1
2 Commissioner Voytilla questioned the type of structure the water would flow
3 into.

4
5 Mr. Humber advised Commissioner Voytilla that the water would flow into a
6 grated catch basin.

7
8 Commissioner Voytilla questioned the maintenance of this facility.

9
10 Mr. Humber advised Commissioner Voytilla that there would be a shared
11 maintenance, noting that the water is now flowing through weirs, rather than
12 manhole structures with orifice control piping. He pointed out that with the weir
13 flow, there is actually an ability for trash to pass through, adding that the applicant
14 has worked with the City on this decision. He mentioned that the Homeowners
15 Association would perform the landscape and topical maintenance of the ponds,
16 such as the trash pickup, adding that the City Operations Department would only
17 be responsible for the structural integrity.

18
19 Commissioner Voytilla questioned whether the applicant has utilized such a
20 system on another project.

21
22 Mr. Humber informed Commissioner Voytilla that he has not utilized any system
23 this complicated in the past.

24
25 On question, Mr. Gast advised Commissioner Voytilla that in an effort to provide
26 greater flexibility, the developer is attempting to leave some of their options open,
27 emphasizing the value of the neighborhood meetings.

28
29 Commissioner Voytilla questioned whether limits have been imposed on this
30 flexibility.

31
32 Mr. Gast informed Commissioner Voytilla that the limits do not preclude the
33 applicant from exercising other options.

34
35 Commissioner Heckman observed that if THPRD does not accept the proposed
36 donation of the five acres, the Homeowners' Association would be responsible for
37 the maintenance. He questioned whether this would affect the marketability of
38 these homes.

39
40 Mr. Gast assured Commissioner Heckman that the value of this resource far
41 exceeds any of the associated costs, emphasizing that this is a passive resource,
42 rather than a pool or something of that nature, which would require significant
43 time and investment.

44
45 Commissioner Heckman referred to the 1-1/2 foot height deviation, questioning
46 whether these ridges would run parallel to Murray Boulevard.

1
2 Observing that the elevations are pretty unique, Mr. Gast noted that the ends
3 provide a lot of craftsman character, rather than a blank wall and that the 1-1/2
4 feet would not be significantly noticeable.

5
6 Commissioner Heckman expressed his opinion that the illustrations he had
7 reviewed represented nothing unique in style, questioning whether the applicant
8 could have dropped down that additional 1-1/2 feet.

9
10 Mr. Gast advised Commissioner Heckman that the pitch is probably a 10/12,
11 because the applicant prefers a steeper roof pitch.

12
13 Chairman Maks advised Commissioner Heckman that he is concerned with the
14 overall scale, rather than the 1-1/2 feet.

15
16 Commissioner Dunham expressed her concern with the proposed depth of the
17 pools, from a pediatric standpoint, of 1-1/2 to two feet, specifically at what point
18 such a feature becomes an attractive nuisance and whether the City of Beaverton
19 would have a liability regarding this issue.

20
21 Mr. Gast advised Commissioner Dunham that typically a fence becomes a
22 requirement for detention ponds when there are steep slopes and deep holes,
23 adding that a shallow feature that is not permanently full does not necessitate a
24 fence.

25
26 Commissioner Dunham noted that while she is aesthetically pleased to see no
27 fence, she is concerned with safety issues.

28
29 Chairman Maks observed that the retention pond for City Hall is Griffith Park,
30 emphasizing that the area does fill with water at certain times.

31
32 Mr. Humber observed that these fences often tend to be trash collectors, adding
33 that this is not something the applicant wishes to propose in their efforts to
34 provide this amenity, and questioned what the fencing requirements are for this
35 situation.

36
37 Mr. Duggan indicated that fencing requirements are typically determined on a
38 case by case basis, involving factors such as proximity to sidewalks and other
39 hazards. He emphasized that when the slope becomes greater than 3-1, 2-1 or
40 higher than that, the necessity of a fence becomes a consideration.

41
42 **PUBLIC TESTIMONY:**

43
44 Chairman Maks pointed out that public testimony would be limited to four
45 minutes per individual.

46

1 **TODD LUE**, Chairman of the Sexton Mountain Action Committee (SMAC),
2 discussed neighborhood input for this development, expressing his opinion that
3 the neighborhood has created a product with Polygon Northwest that everyone
4 can be proud of. He highlighted two of the proposed revised conditions that
5 demonstrate the type of compromises and relationship that have been established
6 with the developer, as follows: 1) Condition No. 2.2, which actually eliminates
7 one of the boundaries to be monitored for methane gas migration; and 2)
8 Condition No. 3, regarding the geo-technical and geo-environmental challenges of
9 the Sexton Crest site. Observing that the neighborhood would like to see the
10 proposed development and receive assurances that the proper geo-technical and
11 geo-environmental independent reviews will be undertaken, he recommended that
12 the applications be approved.

13
14 Commissioner Heckman advised Mr. Lue that the Planning Commissioners would
15 appreciate receiving this information prior to the meeting.

16
17 Mr. Lue apologized, assuring Commissioner Heckman that SMAC is attempting
18 to organize the materials according to their specific concerns.

19
20 **MARK HOLADY**, Chairman of the Sexton Mountain NAC and Secretary to the
21 Neighbors for Livability (NFL), expressed opposition to development on the site.
22 Observing that the card has no actual designation for a neutral position on an
23 issue, he noted that the NFL is actually opposed to the current recommendation.
24 He urged adoption of proposed Condition 3 mentioned by Mr. Lue, providing the
25 opportunity to have an independent engineer on site to review the geo-technical
26 and geo-environmental concerns, at the expense of the applicant.

27
28 **BARBARA FRENZEL**, observed that while she is in favor of the proposed
29 development, she would like to ensure the safety and livability of the
30 neighborhood. She expressed concern with geo-technical and geo-environmental
31 concerns, emphasizing that Polygon Northwest has indicated their willingness to
32 absorb the cost of any necessary precautions and urged that the City of Beaverton
33 follow through with implementing the requests of the neighbors.

34
35 **MARGARET BARRETT**, a member of SMAC, expressed her support for the
36 proposed development and concerns with geo-technical issues and the effect of
37 increased traffic. She commented that she looks forward to the completion of this
38 development, which would be an asset to the community.

39
40 **DAVE DeHARPPORT**, referred to the proposed fence along the western edge
41 of the property line, recommending that staff and the Planning Commission make
42 certain that the fence and the property lines actually coincide with one another.
43 He discussed his involvement with THPRD and various tree plantings in the park
44 directly to west of this site. He noted that he has voiced his concern as a member
45 of the Sexton Mountain Neighborhood Association for THPRD to work out a deal
46 to obtain this property and expressed concern with traffic calming issues.

1
2 **ELISE SMITH**, submitted copies of documents she had prepared, observing that
3 although it sounds as if she just moved here, she has been a resident for 17 years.
4 She expressed her opinion that Geo Design has done a great job in their efforts to
5 understand the site, adding that they have been very productive and shown great
6 concern at the various neighborhood meetings. She emphasized that it is up to
7 City of Beaverton to require that an independent engineer be assigned to this very
8 unique site. Observing that this issue requires very careful consideration, she
9 expressed concern with missing reports that are vital to understand the history of
10 the site. She provided a list of the reports that have not been submitted, at this
11 time, and a graph indicating methane tables and methane monitoring, indicating
12 how methane reacts to specific amounts of rainfall.

13
14 Commissioner Heckman referred to the issue of methane gas, specifically the
15 effect of any hardscape, such as buildings, on the production of any such gases.

16
17 Observing that people in Oregon love to water their lawns, Ms. Smith emphasized
18 that this is a very wet piece of land and this question should be addressed by the
19 engineer hired by the City of Beaverton, emphasizing that a lot of questions need
20 to be answered.

21
22 Commissioner Heckman advised Ms. Smith that he admires her persistence.

23
24 **STEVE DOWIS**, expressed his support of the proposed project, relative to the
25 previous effort, noting that he shares concerns with regard to traffic calming and
26 construction on northern berm, requesting that staff make certain that the design
27 and construction are appropriate.

28
29 Commissioner Barnard requested that Mr. Dowis help him understand his concern
30 with the berm.

31
32 Mr. Dowis advised Commissioner Barnard that his concern is that the purpose of
33 the berm, the trees and the fence are to separate the two areas, specifically
34 whether a homeowner would be able to remove a tree located in their back yard.

35
36 **SUSAN COOK**, submitted copies of a document she had prepared, expressing
37 her concern with geo-technical issues, specifically methane issues. She
38 commended Polygon Northwest for their efforts, emphasizing the necessity of
39 retaining an overseer on this project. She noted that methane gas travels laterally,
40 with a tendency to travel along utility lines and vaults. She referenced explosive
41 levels of methane, up to 67% in some of the geo-probes, and expressed concern
42 with where this methane gas will go. Noting that this issue involves her
43 responsibility to her neighbors and herself, she mentioned that because methane
44 can travel under streets, it involves expertise above and beyond the scope of a
45 normal project and the guarantee of some degree of protection. Concluding, she
46 commented that she recognizes and appreciates Polygon Northwest's efforts.

1
2 On question, Ms. Cook advised Commissioner Heckman that the methane gas
3 involved is a CH-4, adding that she does not have the expertise to relate this to
4 weather conditions, although all available reports do not provide an adequate
5 indication of what is present in this landfill.

6
7 Commissioner Voytilla **MOVED** and Commissioner Johansen **SECONDED** a
8 motion to extend the 11:00 p.m. meeting deadline to 11:15 p.m.

9
10 Motion **CARRIED**, unanimously.

11
12 Ms. Cook mentioned a subdivision located next to a landfill in Houston that had
13 caught fire and burned for 37 days. On question, she advised Commissioner
14 Heckman that she could not relate any other incidents to the Cobb Rock site.

15
16 **PAT RUSSELL** complimented Polygon Northwest for taking a risk on this
17 property, adding that he hopes that it proves to be worthwhile in the future.
18 Observing that the site is located in a very prominent and visible location in the
19 City of Beaverton, he mentioned that it is his perception that in the last 20 years,
20 the City has attempted to soften the hard edge of this hilltop through landscaping
21 and various tree plantings. He complimented the use of native plantings, such as
22 Douglas Firs and Red Cedars and discussed complaints his NAC has received
23 from the neighborhood concerning public open spaces, particularly those
24 maintained by THPRD. He discussed concern with traffic issues and pointed out
25 that the lights on Murray Boulevard need to be synchronized.

26
27 Chairman Maks advised Mr. Russell that the road and lighting facilities of Murray
28 Boulevard are the jurisdiction and responsibility of Washington County.

29
30 **APPLICANT REBUTTAL:**

31
32 Mr. Gast addressed traffic-related issues and traffic calming, suggesting that the
33 proposed recommendation would provide a great deal of assistance to the
34 neighbors. Referring to the northern berm, he pointed out that the Sequoia Trees
35 had been placed for a specific reason in a specific pattern. He mentioned that
36 there have been some areas of misperception regarding the methane issue,
37 pointing out that the Houston example involves a totally different type of
38 situation.

39
40 Mr. Osterberg suggested modifications to the Tree Preservation Plan conditions
41 and addressed proposed traffic calming conditions, observing that he had received
42 these proposals Monday. He suggested a recommendation, rather than a
43 Condition of Approval, urging that the City staff and the Traffic Commission
44 study the traffic issue in general and determine what, if any, traffic calming is
45 necessary.
46

1 Mr. Bunnell discussed the position of staff in understanding the desire for the
2 involvement of a third party on geo-technical issues, emphasizing that the
3 Planning Commission does not have the authority to adopt a condition that makes
4 mandatory a requirement of City staff.

5
6 Commissioner Voytilla **MOVED** and Commissioner Johansen **SECONDED** a
7 motion to extend the 11:00 p.m. meeting deadline to 11:30 p.m.

8
9 Motion **CARRIED**, with the exception of Commissioner Heckman, who voted
10 nay.

11
12 On question, Mr. Bunnell informed Chairman Maks that the City Attorney and
13 staff had already determined what might be appropriate language for Condition of
14 Approval No. 3.

15
16 Mr. Duggan observed that in terms of professional accountability and reliability,
17 he is not comfortable with the elimination of the monitoring of the south side of
18 the property (Condition of Approval No. 2) without having the project geo-
19 technical engineer available.

20
21 On question, Assistant City Attorney Naemura indicated that he had no comments
22 at this time.

23
24 The public portion of the Public Hearing was closed.

25
26 Chairman Maks expressed support of the CUP and what he considers a quality
27 project, adding that the plans are well prepared and feature a unique water quality
28 plan. Noting that he supports the proposed modification of Condition of
29 Approval No. 3, he emphasized that the neighbors have also expressed their
30 support.

31
32 Commissioner Dunham expressed her support of the CUP application, referring to
33 what she considers a vast improvement over the Lincoln Project. She
34 complimented the open space dedication, circuitous route, increased parking and
35 blending of single-family and multi-family units. She noted that while the
36 setbacks is satisfactory, she is concerned with the potential for encroachment,
37 adding that the street modification is workable and the storm water treatment a
38 wonderful amenity.

39
40 Commissioner Heckman expressed his support of the CUP application, adding
41 that he still feels concern with the language of some of the Conditions of
42 Approval.

43
44 Commissioner Lynott expressed his support of the CUP application.

45

1 Commissioner Barnard expressed his support of the CUP application, expressing
2 concern with Condition of Approval No. 2.3.

3
4 Commissioner Voytilla expressed his support of the CUP application and
5 complimented the efforts of both the applicant and the neighborhood.

6
7 Commissioner Johansen expressed his support of the CUP application, noting that
8 the plan is very well coordinated.

9
10 Chairman Maks requested consensus of whether should is to be changed to shall
11 in CUP Condition of Approval No. 2.

12
13 Commissioners Voytilla, Johansen, Barnard, Dunham, Lynott and Heckman
14 expressed support of changing "should" to "shall" in CUP Condition of Approval
15 No. 2.

16
17 Chairman Maks noted that he does not support changing should to shall in CUP
18 Condition of Approval No. 2.

19
20 On question, the Commissioners unanimously supported increasing the minimum
21 parking requirement to 228 on CUP Condition of Approval No. 1.

22
23 On question, the Commissioners unanimously supported changing the may to
24 shall, after City, on CUP Condition of Approval No. 3.

25
26 Chairman Maks reopened the Public Hearing.

27
28 On question, Mr. Naemura advised Chairman Maks that the applicant's CC& R's,
29 are not being adopted by simply being presented to the Planning Commission.

30
31 The Public Hearing was closed again.

32
33 On question, the Commissioners unanimously supported the deletion of
34 "occupancy" and insertion of "site development" on CUP Condition of Approval
35 No. 4.

36
37 Chairman Maks referred to CUP Condition of Approval No. 2.4.

38
39 Commissioner Heckman expressed concern with the City of Beaverton telling
40 people how to do things within their own homes.

41
42 Commissioner Voytilla **MOVED** and Commissioner Barnard **SECONDED** a
43 motion to extend the 11:00 p.m. deadline until 11:40 p.m.

44
45 Motion **CARRIED**, with the exception of Commissioner Heckman, who voted
46 nay.

1
2 Commissioner Heckman emphasized that telling property owners exactly how to
3 build might create a liability for the City of Beaverton.

4
5 Commissioner Voytilla pointed out that he shares Commissioner Heckman's
6 concern with telling property owners how to build.

7
8 Chairman Maks commented that he does not view this as a potential liability.

9
10 Commissioner Johansen observed that all of the shoulds had been changed to
11 shall, expressing concern with Condition of Approval No. 2.4.

12
13 Chairman Maks pointed out that this is why he had not been in support of
14 changing all of the shoulds to shall.

15
16 Commissioner Barnard questioned what would happen if this project is not
17 completed for several years and technology changes, observing that current
18 techniques might not be considered appropriate at that time.

19
20 Chairman Maks advised Commissioner Barnard that the applicant would be
21 required to file an application for a modification to their CUP.

22
23 Commissioner Lynott questioned whether the City of Beaverton is protected, and
24 Chairman Maks assured him that the City Attorney and staff have reviewed these
25 Conditions of Approval, adding that any problem should have been determined at
26 that time.

27
28 Commissioner Dunham referred to a potential problem with CUP Condition of
29 Approval No. 2.4.

30
31 Commissioner Voytilla suggested that the first sentence be left as it is and the
32 remainder of the section eliminated, expressing his opinion that this should
33 address any potential problem.

34
35 Mr. Naemura suggested the possibility of addressing these concerns through
36 modification of the earlier action of changing all of the shalls to shoulds. He
37 noted that this should not be done in Condition of Approval No. 2.4, adding that it
38 should be included as something that should be considered.

39
40 On question, Commissioners Heckman, Lynott, Voytilla, Johansen and Dunham
41 all supported leaving the first sentence as it is and eliminating the rest of the
42 section.

43
44 Commissioner Barnard and Chairman Maks expressed their opposition to leaving
45 the first sentence as it is and eliminating the remainder of the section.
46

1 Commissioner Barnard rescinded his support of the consensus of changing the
2 shoulds to shalls.

3
4 Commissioner Johansen observed that while he has some concerns, he is still in
5 support of the consensus of changing the shoulds to shalls.

6
7 Commissioner Dunham commented that she would prefer to consider changing
8 the shoulds to shalls individually.

9
10 Observing that time is limited, Commissioner Voytilla stated that he would prefer
11 to review changing the shoulds to shalls individually.

12
13 Commissioner Heckman expressed his support of leaving only the first sentence
14 in Condition of Approval No. 2.4.

15
16 Chairman Maks requested consensus on the Tree Preservation Plan (TPP).

17
18 Commissioner Heckman mentioned that Chairman Maks had discussed a revision
19 to TPP Condition of Approval No. 3 and that staff had mentioned that trees
20 should be planted in accordance with TPP Condition of Approval No. 4.

21
22 Chairman Maks explained that said trees shall be the size and type and planted in
23 the fashion identified in Condition of Approval No. 4.

24
25 Commissioner Heckman pointed out that staff has requested that Condition of
26 Approval No. 4 provide that bare-rooted deciduous trees should be planted during
27 the winter, and that Condition of Approval No. 5 shall provide that the use of the
28 tree root zones for storage of construction equipment or materials is prohibited.

29
30 On question, all Commissioners agreed with Commissioner Heckman's revisions
31 to Conditions of Approval Nos. 4 and 5.

32
33 Chairman Maks mentioned the suggestion of changing the Sequoia to Cedar
34 Trees, as determined by the City Arborist, as Condition of Approval No. 7.

35
36 Commissioner Heckman expressed his opinion that it is not necessary for the City
37 Arborist to become involved in this decision.

38
39 On question, all Commissioners agreed with the replacement of the Sequoias with
40 Cedar Trees.

41
42 Following a discussion it was determined that the replacement of the Sequoias
43 with Cedar Trees should be a recommendation, rather than a Condition of
44 Approval.

45

1 Mr. Bunnell observed that this portion of the project would not go to the Board of
2 Design Review, adding that it is not necessary to approve the type of tree and that
3 the applicant could be given the opportunity to propose another type of tree for
4 staff approval.

5
6 Commissioner Barnard expressed his opinion that there should be further
7 discussion of CUP Condition of Approval No. 2.4.

8
9 Expressing his reluctance, Commissioner Voytilla **MOVED** and Commissioner
10 Barnard **SECONDED** a motion to extend the 11:00 p.m. deadline until 11:45
11 p.m.

12
13 Motion **CARRIED**, with the exception of Commissioner Heckman, who voted
14 nay.

15
16 Chairman Maks advised Commissioner Barnard that he has two minutes to
17 discuss CUP Condition of Approval No. 2.4.

18
19 Commissioner Barnard expressed his opinion that objections appear to relate the
20 potential for frozen pipes because of the non-closing vents, pointing out that
21 individual property owners have the option of closing their own vents and
22 protecting their pipes.

23
24 Commissioner Heckman **MOVED** to approve CUP 2000-0028 -- Sexton Crest
25 Development Conditional Use Permit/Planned Unit Development, based upon the
26 testimony, reports and exhibits presented during the Public Hearing on the matter
27 and upon the background facts, findings and conclusions found in the Staff Report
28 dated December 6, 2000, including Condition of Approval Nos. 1 through 6, and
29 based upon this Public Hearing, including consensus items, with modifications
30 included during this Public Hearing.

31
32 Chairman Maks passed the gavel to Commissioner Voytilla.

33
34 Commissioner Maks **MOVED** and Commissioner Heckman **SECONDED** a
35 motion to approve CUP 2000-0028 -- Sexton Crest Development Conditional Use
36 Permit/Planned Unite Development, based upon the testimony, reports and
37 exhibits presented during the Public Hearing on the matter and upon the
38 background facts, findings and conclusions found in the Staff Report dated
39 November 29, 2000, including Conditions of Approval Nos. 1 through 6, and
40 based upon this Public Hearing and evidence presented by the applicant and
41 including changes to conditions 1 – 6, identified through deliberation and working
42 through consensus at this meeting, to be included in a Land Use Order and
43 submitted for review by the Planning Commission and the Chairman's signature.

44
45 Motion **CARRIED**, by the following vote:
46

1 **AYES:** Dunham **NAY:** Barnard
2 Heckman
3 Johansen
4 Lynott
5 Voytilla
6 Maks
7

8 Vice-Chairman Voytilla returned the gavel to Chairman Maks.
9

10 Commissioner Heckman **MOVED** and Commissioner Lynott **SECONDED** a
11 motion to approve TPP 2000-0002 -- Sexton Crest Tree Preservation Plan, based
12 upon the testimony, reports and exhibits presented during the Public Hearing on
13 the matter and upon the background facts, findings and conclusions found in the
14 Staff Report dated November 29, 2000, including Conditions of Approval Nos. 1
15 through 6, identified through deliberation and working through consensus at this
16 meeting, with additions to Conditions of Approval, as follows: 1) Condition of
17 Approval No. 3 -- The planting of replacement trees shall be in accordance with
18 Condition of Approval No. 4, below; 2) Condition of Approval No. 4 -- Bare root
19 deciduous trees shall be planted during the winter; and 3) Condition of Approval
20 No. 5 -- The use of tree root zones for the storage of construction equipment or
21 materials is prohibited; to be included in a Land Use Order and submitted for
22 review by the Planning Commission and the Chairman's signature.
23

24 Motion **CARRIED**, unanimously.
25

26 **APPROVAL OF MINUTES:**
27

28 Chairman Maks observed that the minutes of the meetings of November 1, 2000,
29 and November 8, 2000, would be reviewed for approval on December 13, 2000.
30

31 **MISCELLANEOUS BUSINESS:**
32

33 Chairman Maks observed that the agenda for December 13, 2000 is very large.
34

35 Emphasizing that other Commissioners need to reimburse Commissioner Barnard
36 for their share of the cost, Chairman Maks commented that he has volunteered to
37 assume responsibility for the arrangements for the staff luncheon, which is
38 scheduled in the 3rd Floor Conference Room at 11:30 p.m. on Wednesday,
39 December 20, 2000.
40

41 The meeting adjourned at 11:45 p.m.